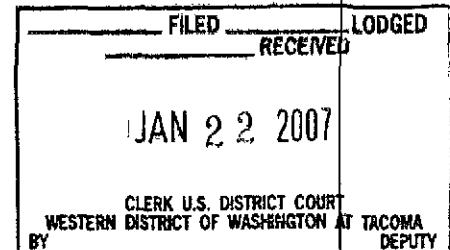
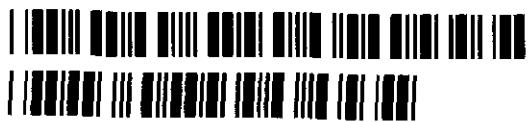


1 The Honorable RONALD B. LEIGHTON
2
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4 06-CV-05268-ORD
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 PROVIDENCE HEALTH SYSTEM-)
11 WASHINGTON, a Washington nonprofit)
12 corporation, doing business as PROVIDENCE)
13 HORIZON HOUSE,)
14 Plaintiff,)
15 v.)
16 JAMES H. BUSH, in his role as Trustee of the)
17 Sarah Block Special Needs Trust, and TERRI)
18 BLOCK, in her role as Guardian of the Person)
19 and Estate of SARAH BLOCK,)
20 Defendant.)

21 No. 3:06-cv-05268 -RBL

22 [PROPOSED] ORDER GRANTING)
23 DEFENDANTS' JOINT MOTION)
24 FOR SUMMARY JUDGMENT AND)
25 DISMISSING PLAINTIFF'S)
26 COMPLAINT WITH PREJUDICE

27 NOTE ON MOTION CALENDAR:
28 January 19, 2007

29 THIS MATTER came on for hearing upon defendant Block's Motion To Dismiss under
30 FRCP 12(b)(6), upon defendant Block's Motion for Summary Judgment Re: Application of the
31 Make Whole Doctrine, and upon the Joint Motion for Summary Judgment filed by defendants
32 Block and Bush, and the Court having reviewed the files and records herein, including:

33 1. Plaintiff's Complaint and the attached Exhibit 1;
34 2. Defendant Block's Motion To Dismiss under FRCP 12(b)(6);
35 3. Defendant Block's Request For Judicial Notice Under Federal Evidence Rule 201
36 and the Declaration and Exhibits accompanying the Request;
37 4. Plaintiff's Memorandum in opposition to defendant Block's Motion to Dismiss;

38 ORDER GRANTING DEFENDANTS' JOINT MOTION
39 FOR SUMMARY JUDGMENT AND DISMISSING
40 PLAINTIFF'S COMPLAINT - 1
41 Case No. 3:06-cv-05268 -RBL

42 VANDERBERG JOHNSON & GANDARA
43 A PARTNERSHIP OF PROFESSIONAL SERVICE CORPORATIONS
44 1201 PACIFIC AVENUE, SUITE 1900
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46 TACOMA, WASHINGTON 98401-1315
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- 1 5. Defendant Block's Motion for Summary Judgment Regarding Application of the
- 2 Make Whole Doctrine;
- 3 6. Plaintiff's Memorandum in Opposition to defendant Block's Motion for Summary
- 4 Judgment;
- 5 7. The Stipulation and Order Regarding Defendants' Motions for Summary
- 6 Judgment and Petitions for Attorney Fees;
- 7 8. Defendants' Joint Motion Under F.R.C.P. 56(b) for Summary Judgment
- 8 Dismissing All Claims;
- 9 9. Defendants' Trustees' Reply to Plaintiff's Opposition to
Defendants' Motion for Summary Judgment
- 10 10. _____

11 11. _____

12 12. _____; and

13 13. _____

14 14. _____

15 The Court finds that it has subject matter jurisdiction and jurisdiction over the parties.

16 The Court also finds that there is no genuine issue of material fact and the defendants are entitled
17 to judgment as a matter of law.

18 NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED that:

19 Defendants' Joint Motion for Summary Judgment under F.R.C.P 56(b) is GRANTED and
20 Plaintiff Providence Health System-Washington's claims against Defendant Trustee James H.
21 Bush and Defendant Guardian Terry Block are hereby DISMISSED with prejudice and with
22 costs.

23 Dated this 20th day of January, 2007.

24 
25
26 JUDGE RONALD B. LEIGHTON

ORDER GRANTING DEFENDANTS' JOINT MOTION
FOR SUMMARY JUDGMENT AND DISMISSING
PLAINTIFF'S COMPLAINT - 2
Case No. 3:06-cv-05268 -RBL

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1 Presented by:

2 **VANDEBERG JOHNSON & GANDARA**

3 By _____

4 G. Perrin Walker, WSBA # 4013

5 Scott D. Winship, WSBA # 17047

6 Attorneys for Defendant James H. Bush, Trustee
of the Sarah Block Special Needs Trust

7 Approved for Entry:

8 By _____

9 Arden J. Olson, WSBA # 08530

10 Of Attorneys for Plaintiff Providence

11 Health System-Washington

12 Approved for Entry:

13 By _____

14 Kari I. Lester, WSBA # 28396

15 Law Offices of Ben F. Barcus & Associates, PLLC

16 Attorneys for Defendant Guardian Terri Block

17
18
19
20
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22
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26
ORDER GRANTING DEFENDANTS' JOINT MOTION
FOR SUMMARY JUDGMENT AND DISMISSING
PLAINTIFF'S COMPLAINT - 3
Case No. 3:06-cv-05268 -RBL

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